IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.429 OF 2007

Anil G. Shah ..Plaintiff.

Vs.

Delite Automobiles & Ors. ..Defendants.

....

Mr. Ramesh Jain for the Plaintiff.
None for the Defendants.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

23rd April, 2007.

P.C. :

1. The Suit under Order 37 of the Code of Civil Procedure 1908 is instituted on the basis of three Bills of Exchange each in the amount of Rs.25,000/-, Rs.25,000/- and Rs.14,000/- respectively drawn by the First Defendant and accepted by the Second Defendant. The First Defendant is a partnership firm of which the Second and Third Defendants are partners. On presentation on 10th November, 2005 the Bills of Exchange were not honoured. There was an advocate's notice dated 7th December, 2006 in reply to which the Defendants, while acknowledging the liability sought time to pay the

outstanding dues. The dues have not been paid.

2. The Defendants have not entered appearance despite service of the writ of summons. An affidavit of service has been filed. A compilation of the original documents has also been filed on the basis of which the claim is established. The claim in the suit falls within the purview of Order 37 of the Code of Civil Procedure. The suit is accordingly decreed as prayed. The Plaintiff will be entitled to interest at the rate of 18% per annum on the principal amount of Rs.64,000/- from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court Fess, if any, as per rules.